

REMARKS

Claims 1, 2, and 4-22 have been examined. All claims have been rejected. Claims 1, 2, 14, and 18 are independent claims.

By this amendment, Applicant has amended each of the independent claims to recite that when a first broadcast period of the first program is broadcast at a same time as a second broadcast period of the second program, the display device displays a first program cell corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap for a time period in which the first broadcast period and the second broadcast period are broadcast at the same time.

I. Rejection under 35 U.S.C. § 102(b) over U.S.P. 5,758,259 to Lawler

Claims 1-10, 12, 14, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,259 to Lawler.

A. Claims 1, 3-10, and 12

Applicant respectfully request that the Examiner withdraw the rejection of independent claim 1 because Lawler does not teach all of the claim's limitations. For example, Lawler does not teach the claimed program guide apparatus in which, when a first broadcast period of the first program is broadcast at a same time as a second broadcast period of the second program, the display device displays a first program cell corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap for a time period in which the first broadcast period and the second broadcast period are broadcast at the same time.

In the previous response, Applicant argued that there is no disclosure in Lawler that the first program and the second program *partially coincide*. That is, Lawler's first program, "Trailside: Make Your Own Adventure," ends at the time when Lawler's second program, "Today's Gourmet" begins, that is, about 3:30 PM.¹ However, it appears from the Advisory Action dated February 22, 2007 that the Examiner's position is that the Lawson's first program, "Trailside Make Your Own Adventure," and Lawson's second program, "Today's Gourmet," *coincide* because they are both provided within a one hour period from 3:00-4:00.²

Accordingly, Applicant amended independent claim 1 to recite that when a first broadcast period of the first program is *broadcast at a same time* as a second broadcast period of the second program, the display device displays a first program cell corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell *only partially overlap* for a time period in which the first broadcast period and the second broadcast period are *broadcast at the same time*.

Applicant respectfully submits that Lawson does not teach this feature. That is, there is no disclosure in Lawson that the first program and the second program are broadcast at a *same time*. Instead, Lawler's first program, "Trailside: Make Your Own Adventure," ends when Lawler's second program, "Today's Gourmet" begins, that is, about 3:30 PM.

Moreover, Lawson does not disclose that the first program cell and the second program cell *only partially overlap for a time period* in which the first broadcast period and the second broadcast period are *broadcast at the same time*. That is, Lawson does not provide any

¹ See Response dated November 1, 2007 at page 3.

² See Advisory Action at page 2, lines 8-10.

disclosure at all regarding the small overlap of Lawson's first (Trailside: Make You Adventure) and second program cells (Today's Gourmet) in FIG. 3B, and therefore cannot reasonably disclose that this small overlap is the time period in which Lawson's first and second programs are broadcast at the same time.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1. In addition, since claims dependent claims 4-10 and 12 directly depend upon claim 1, Applicants submit that claims 4-10 and 12 are patentable at least by virtue of their dependency.

B. Claims 2, 14, and 18

Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 2, 14, and 18 at least because Lawler for the reasons discussed above with respect to independent claim 1. That is, like independent claim 1, each of independent claims 2, 14, and 18 requires that when a first broadcast period of the first program is *broadcast at a same time* as a second broadcast period of the second program, the display device displays a first program cell corresponding to the first program and displays a second program cell corresponding to the second program such that the first program cell and the second program cell only partially overlap for a time period in which the first broadcast period and the second broadcast period are broadcast at the same time.

II. Rejection under 35 U.S.C. § 103(a) over Lawler, and further in view of U.S.P. 5,589,892 to Knee et al. ("Knee")

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,758,259 to Lawler as applied to claim 5 above, and further in view of US Patent No.

5,589,892 to Knee. Since claim 11 indirectly depends upon claim 1, and since Knee does not cure the deficient teachings of Lawler with respect to claim 1, Applicants submit that claim 11 is patentable at least by virtue of its dependency.

III. Rejection under 35 U.S.C. § 103(a) over Lawler and U.S. Patent No. 6,704,028 to Wugofski (“Wugofski”)

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler (as applied to claim 5) and further in view of Wugofski. Since claim 13 indirectly depends upon claim 1, and since Wugofski does not cure the deficient teachings of Lawler with respect to claim 1, Applicants submit that claim 13 is patentable at least by virtue of its dependency.

IV. Rejection under 35 U.S.C. § 103(a) over Lawler, and further in view of U.S.P. 6,968,566 to Entwistle

Claims 15-17 and 19-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,758,259 to Lawler as applied to claims 1, 2 and 14 above, and further in view of US Patent No. 6,968,566 to Entwistle.

A. Claims 15-17

Since claims 15-17 directly depend upon claims 1, 14, and 2, respectively, and since Wugofski does not cure the deficient teachings of Lawler with respect to claims 1, 2, and 14, Applicants submit that claims 15-17 are patentable at least by virtue of their dependency.

B. Claims 19-22

Since claims 19-22 directly depend upon claim 18, and since Wugofski does not cure the deficient teachings of Lawler with respect to claim 18, Applicants submit that claims 19-22 are patentable at least by virtue of their dependency.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 09/955,173

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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